

**MINUTES OF THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN MEMORIAL HALL, 30 OGILVIE STREET, DENMAN ON TUESDAY 26 JULY, 2022 COMMENCING AT 6.00PM**

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**PRESENT:** Cr S.M. Reynolds (Mayor), Cr A. Barry (VC), Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn (VC), Cr J.A. Lecky, Cr G.T. McNeill, Cr R. Mahajan, Cr D.E. Marshall and Cr R. Scholes.

**IN ATTENDANCE:** Mr D. Finnigan (Deputy General Manager), Mr D. Walsh (Director– Corporate Services & Chief Financial Officer), Ms S. Pope (Director – Planning & Environment), Mr P. Chambers (Chief Engineer), Mr M. Lysaught (Director – Works, Property & Building Services), Ms A. Hathway (Corporate Lawyer), Mr H. McTaggart (Development Co-Ordinator), Mrs C. Middleton (Communications Co-Ordinator (VC)), Mrs M. Sandell-Hay (EA to Mayor and General Manager).

## **1. Acknowledgement of Country**

The Acknowledgement of Country was read by Cr Bowditch.

## **2. Civic Prayer**

The Civic Prayer was read by Cr Marshall.

## **3. Apologies and Applications for a Leave of Absence or Attendance by Audio Visual Link by Councillors**

1 RESOLVED on the motion of Cr D. Douglas and Cr A. Barry that:

1. The apologies for inability to attend the meeting submitted by Cr B. Woodruff be ACCEPTED and the necessary Leave of Absence be GRANTED.
2. Authority be given for Crs Barry and Dunn to attend the Council Meeting via Video Link.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes.

Against: Nil.

## **4. Confirmation of Minutes**

### **4.1. Confirmation of Minutes**

2 RESOLVED on the motion of Cr R. Scholes and Cr J. Lecky that:

The Minutes of the Ordinary Council Meeting held on 28 June, 2022, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.



In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes.

Against: Nil.

## 5. Disclosure of any Pecuniary or Non-Pecuniary Interests

**Cr R. Scholes** - Declared an insignificant non-pecuniary interest in Item 9.1.1. Cr Scholes advised Council that the Club President is a personal friend.

**Cr R. Scholes** - Declared an insignificant non-pecuniary interest in Item 9.1.3. Cr Scholes advised Council that the Workers Club President is a personal friend.

**Cr R. Scholes** - Declared an insignificant non-pecuniary interest in Item 9.4.3. Cr Scholes advised Council that he is a member of the Club.

**Cr D. Marshall** - Declared a significant non-pecuniary interest in Item 9.1.3. Cr Marshall advised Council that he owns property in Maitland Street.

**Cr G. McNeill** - Declared an insignificant non-pecuniary interest in 9.1.3. Cr McNeill advised Council that he owns a property in the B2 zone.

**Cr R. Mahajan** - Declared a pecuniary interest in Item 9.1.3. Cr Mahajan advised Council that he has a business and property in the area proposed in the report .

**Cr D. Douglas** - Declared an insignificant non-pecuniary interest in Item 9.1.3. Cr Douglas advised Council that she is employed by Wanaruah Local Aboriginal Land Council who own property in this area.

**Cr D. Douglas** - Declared a pecuniary interest in Item 9.1.4 . Cr Douglas advised Council that her son owns a company mentioned in the report.

**Cr M. Bowditch** - Declared an insignificant non-pecuniary interest in Item 9.1.1. Cr Bowditch advised Council that he has been seen a report regarding the stabilisation of cracking.

## 6. Mayoral Minute

Nil

## 7. Public Participation

Nil

## 8. Business Arising (From Previous Meetings)

Nil



## 9. Business (Specific Reports)

### 9.1. Planning and Environment

#### 9.1.1. **DA 2017-18 - Alterations and additions to Muswellbrook & District Workers Club Ltd - Compliance With Off-street Car Parking Requirements**

- 3           RESOLVED on the motion of Cr J. Drayton and Cr M. Bowditch that:  
Council informs the Muswellbrook & District Workers Club Ltd that the request to defer construction of the off-street car parking requirements for DA 18/2017 be endorsed until discussions and items raised in the letter dated 22 July, 2022 have taken place and rectified.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff

Against: Nil.

#### 9.1.2. **DA 2022-40 - Subdivision of one (1) Lot into three (3) Lots - 15 Crinoline Street, Denman**

- 4           RESOLVED on the motion of Cr R. Scholes and Cr D. Marshall that:  
Council:  
1. Grants development consent to DA 2022-40, for the subdivision of one (1) lot into three (3) lots at 15 Crinoline Street Denman, subject to the recommended conditions of consent included in Attachment B; and  
2. Council supports the request to waive Section 7.11 Contributions in relation to this development application.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.

#### 9.1.3. **Employment Zones Reform Implementation** **Disclosure of Interest**

**Cr R. Scholes** - Declared an insignificant non-pecuniary interest in this. Cr Scholes advised Council that the Workers Club President is a personal friend.

**Cr D. Marshall** - Declared a significant non-pecuniary interest this Item. Cr Marshall advised Council that he owns property in Maitland Street.



**Cr G. McNeill** - Declared an insignificant non-pecuniary interest in this Item. Cr McNeill advised Council that he owns a property in the B2 zone.

**Cr R. Mahajan** - Declared a pecuniary interest in this Item. Cr Mahajan advised Council that he has a business and property in the area proposed in the report .

**Cr D. Douglas** - Declared an insignificant non-pecuniary interest in Item 9.1.3. Cr Douglas advised Council that she is employed by Wanaruah Local Aboriginal Land Council who own property in this area.

At 6.11pm Cr Marshall and Cr Mahajan left the meeting room and therefore took no part in discussion or voting on this item.

- 5           RESOLVED on the motion of Cr R. Scholes and Cr G. McNeill that:
- A. Council authorises the General Manager to make a submission on Council's behalf that requests that the NSW Department of Planning and Environment
    - 1. Includes Registered Clubs as a permitted use in the E3 Productivity Support zone;
    - 2. Amends the Local Provision - Active Street Frontage clause to apply in selected locations in the E2 Commercial Core (Muswellbrook) rather than the E1 Local Centre zone;
    - 3. Continues to discuss options with Council staff on permitting existing retail stores in the E3 Productivity Support zone to continue to be permitted uses;
    - 4. Includes Shop top housing as a permitted use in the E2 Commercial Centre zone;
    - 5. Includes Public Housing as a permitted use in the E3 Productivity Support zone;
    - 6. Signage as a permitted use in the E3 Productivity Support zone; and
  - B Council requests that staff consult with property owners in Flanders Ave, Muswellbrook, on an option to rezone land from B2 Local Centre to a R1 General Residential, with results to be reported back to Council.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill and Cr R. Scholes.

Against: Nil.

At 6.14pm Crs Marshall and Mahajan returned to the meeting room and resume their chairs at the meeting table.



#### 9.1.4. Business War on Waste Grants

##### Disclosure of Interest

**Cr D. Douglas** - Declared a pecuniary interest in this Item . Cr Douglas advised Council that her son owns a company mentioned in the report.

At 6.14pm Cr Douglas left the meeting room and therefore took no part in discussion or voting on this item.

- 6 RESOLVED on the motion of Cr G. McNeill and Cr D. Marshall that:
- Council endorses the recommendations contained in this report to:
1. Approve Supply Solutions Group Pty Ltd's application for \$5397; and
  2. Approve Polly & Co's application for \$3419.12

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes.

Against: Nil.

At 6.16pm Cr Douglas returned to the meeting room and resumed her chair at the meeting table.

#### 9.1.5. Monthly Report to Council - Planning, Environment and Regulatory Services

- 7 RESOLVED on the motion of Cr R. Scholes and Cr J. Lecky that:
- The information contained in this report be noted and Council Officers be thanked for the work undertaken.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes.

Against: Nil.

### 9.2. Community Infrastructure

#### 9.2.1. 2022-23 Capital Works Program - Roads and Drainage

- 8 RESOLVED on the motion of Cr R. Scholes and Cr M. Bowditch that:
1. Council endorses the attached priority lists of work and the undertaking of the 2022-23 Capital Works Programs to the limit of approved funding under the various programs:
    - a. Footpath Renewals as per attachment 1 and Pram Ramps as per attachment 2;
    - b. Kerb and Gutter Renewals as per attachment 3;
    - c. Road Resealing as per attachment 4;
    - d. New Footpath construction as per attachment 5 with the missing link on the southern side of Turtle St Denman (Paxton St to Denman Creek), and northern side Maitland St (Bell to Thompson St traffic signals) to be constructed using the current allocation;
    - e. Heavy Patching as per attachment 6;



- f. Safety Devices as per attachment 7; and
2. Council requests that the expenditure of the Urban Road Renewal Budget be subject to a future report to Council.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes.

Against: Nil.

### **9.3. Property and Place**

#### **9.3.1. Council Chambers Concept Design**

9 RESOLVED on the motion of Cr G. McNeill and Cr D. Marshall that:  
Council endorses the Proposed Council Chambers and related projects concept design to proceed to Development Application.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes.

Against: Nil.

### **9.4. Corporate Services**

#### **9.4.1. Statement of Business Ethics Policy & Statement**

10 RESOLVED on the motion of Cr J. Lecky and Cr J. Drayton that:  
Council provide notice of intention to adopt the reviewed Statement of Business Ethics Policy and the accompanying Statement of Business Ethics, by placing both on public exhibition via Council's website for a period of 28 days.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes.

Against: Nil.

#### **9.4.2. Council Finance Strategy**

11 RESOLVED on the motion of Cr R. Scholes and Cr J. Lecky that:  
Council endorses the forward financial strategy as outlined in the report subject to the following amendments to the report:

Item 3 - to read as follows:

3. Recast the Future Fund Policy – apply the following agreed new guiding principles, as supported by the Future Fund Committee to a new Future Fund Policy:



- The purpose of the Future Fund is to assist Council's long term financial sustainability and provide an anticipated dividend of \$3m to Council's operational budget by 2035.
- The focus of the Future Fund is investment and commercial development and, as such, all operational and education assets are to be removed from the Future Fund.
- Return on Investment of the Future Fund will aim to meet CPI plus 2%.
- In consultation with the Future Fund Committee, some Future Fund assets are to be considered to be sold to reduce Council's loans expense.

Item 5 - to read as follows:

5. Waste Fees – Council will undertake a review of its cost to deliver waste services for the Shire, considering future capital requirements.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes.

Against: Nil.

#### **9.4.3. Sponsorship - Muswellbrook Race Club - Mayors Cup 2022**

##### **Disclosure of Interest**

**Cr R. Scholes** - Declared an insignificant non-pecuniary interest in this item. Cr Scholes advised Council that he is a member of the Club.

At 6.23pm Cr Scholes left the meeting and therefore took no part in discussion or voting on this item.

12 RESOLVED on the motion of Cr J. Lecky and Cr D. Marshall that:

Council approve the request from the Muswellbrook Race Club for sponsorship of \$5,000 for the 2022 Mayor's Cup.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes.

Against: Nil.

At 6.24pm Cr Scholes returned to the meeting room and resumed his chair at the meeting table.



#### **9.4.4. Local Government NSW Annual Conference**

- 13 RESOLVED on the motion of Cr D. Marshall and Cr R. Mahajan that:
- a) Councillors Reynolds and Cr Barry be authorised to attend the 2022 Annual Local Government to be held 23 to 25 October, 2022 as voting delegates.
  - b) Arrangements be made for registration, accommodation and travel to the Conference.
  - c) Councillors meet and discuss the motions that are provided for the Conference to make a joint determination on the motions.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes.

Against: Nil.

#### **9.4.5. Monthly Financial Reports - June 2022**

- 14 RESOLVED on the motion of Cr R. Scholes and Cr J. Lecky that:  
Council notes the Financial Reports for the month ending 30 June 2022.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes.

Against: Nil.

#### **9.4.6. Report on Investments Held as at 30 June 2022**

- 15 RESOLVED on the motion of Cr R. Scholes and Cr J. Lecky that:  
Council notes the Council's Investments as at 30 June 2022.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes.

Against: Nil.

#### **9.4.7. Authorisation Under Section 226 of the Local Government Act**

- 16 RESOLVED on the motion of Cr G. McNeill and Cr D. Douglas that:  
Council note the information provided.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes.

Against: Nil.





#### **9.4.8. Report on Council Grant Funding and Community Engagement**

17 RESOLVED on the motion of Cr D. Marshall and Cr R. Scholes that:

Council notes the information contained in the report.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes.

Against: Nil.

### **9.5. Community and Economy**

#### **9.5.1. Community Services**

18 RESOLVED on the motion of Cr D. Douglas and Cr R. Scholes that:

The information contained in this report be noted.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes.

Against: Nil.

### **10. Minutes of Committee Meetings**

Nil

### **11. Notices of Motion**

Nil

### **12. Councillors Reports**

#### **16.1 Australian Local Government Women's Association Annual Conference**

Cr Lecky advised Council that she attended the Australian Local Government Women's Association Conference held on 7 to 9 July, 2022 held in Fairfield.

#### **16.2 Aboriginal Flag Raising Ceremony - Wanaruah Local Aboriginal Land Council**

Cr Scholes advised Council that he attended the Aboriginal Flag Raising Ceremony held at Wanaruah Local Aboriginal Land Council with Cr Mahajan, Cr Douglas, Cr Marshall and the Deputy General Manager.

Cr Scholes also acknowledged Aunty Helen French's birthday this week.

#### **16.3 The Late Ray Butchard**

Cr Scholes advised Council that he attended the funeral of the Late Ray Butchard and paid his respects to the Late Ray Butchard, a former Councillor who served on Council for 10 years.



Cr Reynolds also advised Council that he attended the funeral of the late Ray Butchard and passed on condolences to the Butchard Family.

Cr McNeill also paid his respects to the Late Ray Butchard advising that he was a great member of the Community through both his SES role as well as Council and has been a great mentor to both myself and a number of community members.

#### **16.4 Mt Pleasant Aboriginal Flag Raising**

Cr Marshall advised Council that he attended the Mt Pleasant Aboriginal Flag Raising BBQ which was well attended along with Cr Douglas.

### **13. Written Questions**

Nil

### **14. Questions for Next Meeting**

#### **14.1 Waste Management Facility**

Cr Bowditch advised Council that he had received a number of questions regarding opening times of the Waste Management Facility and inquired whether the limited opening times of the Waste Management Facility affected Council's budget on the waste coming into the facility and if it has is that a better option for Council than to pay the overtime to ensure the Operating House of the Waste Management Facility are returned to normal?

### **15. Adjournment into Closed Council**

19       RESOLVED on the motion of Cr R. Scholes and Cr J. Lecky that:

Council adjourn into Closed Session and members of the press and public be excluded from the meeting of the Closed Session, and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the provisions outlined in Section 17 below.

In       Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J.  
Favour: Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes.

Against: Nil.

Members of the public left the meeting at 6.42pm.

### **ADJOURNMENT INTO COMMITTEE OF THE WHOLE**

20       RESOLVED on the motion of Cr S. Reynolds and Cr D. Marshall that:

Council adjourn into Committee of the Whole and members of the press and public be excluded from the meeting of the Closed Session, and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local



Government Act, 1993 to allow further discussion on 31 Maitland Street,  
Muswellbrook

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes.

Against: Nil.

## **RESUMPTION OF CLOSED COUNCIL**

21 RESOLVED on the motion of Cr D. Marshall and Cr R. Mahajan that:

The meeting resume Closed Council.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes.

Against: Nil.

## **16. Closed Council**

### **16.1. Application Under Undetected Water Leaks Policy W5/4 - Assessment 40576**

22 RESOLVED on the motion of Cr R. Scholes and Cr D. Marshall that:

Council approves a reduction of \$1,395.30 for the assessed water account  
as detailed in the report.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes.

Against: Nil.

### **16.2. Muswellbrook Aquatic Centre**

23 RESOLVED on the motion of Cr R. Scholes and Cr D. Marshall that:

To inform Council of contractor claimed unapproved variations beyond the  
determination of staff for the 2019-2020-0406 Muswellbrook Aquatic Centre –  
Construction Stage contract.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes.

Against: Nil.



**16.3. 2021-2022-0513 - RFS Kayuga Fire Station Design and Construct Tender**

24 RESOLVED on the motion of Cr J. Lecky and Cr R. Scholes that:

Council:

1. Declines to accept any of the tenders, as they exceed available budget;
2. In accordance with section 178 (3)(e) of the Local Government (General) Regulation 2021, enter into negotiations with any person with a view to entering into a contract;
3. Determine to enter into negotiations as identified in the report as it may lead to the most advantageous outcome; and
4. Provide a further report to Council advising of the outcome of negotiations carried out in order to achieve the most advantageous outcome.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes.

Against: Nil.

**16.4. Legal Fees - 2016-2022**

25 RESOLVED on the motion of Cr M. Bowditch and Cr D. Marshall that:

The information be noted.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes.

Against: Nil.

**16.5. Energy Contract Update**

26 RESOLVED on the motion of Cr D. Marshall and Cr R. Scholes that:

Council delegates to the General Manager the authority to negotiate and enter a contract with an electricity supplier to service various Council sites and assets without conducting a tender process.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes.

Against: Nil.

**16.6. Planning Agreement Offer - 32-36 Glen Munro Road Muswellbrook - DA 2021-55**

27 RESOLVED on the motion of Cr M. Bowditch and Cr R. Scholes that:  
Council:

1. Agrees to the offer to enter into a Planning Agreement for DA 2021/55 for the payment of a contribution of \$0.11 per tonne of material delivered to the proposed development;
2. Agrees to the offer to enter into a Planning Agreement for DA 2021/55 for the payment of a contribution of \$135,000.00 plus GST for an upgrade of the intersection of Thomas Mitchell Drive and Glen Munro Road; and
3. Requests a condition of consent that the proponent enters into a Planning Agreement generally in accordance with the offer.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes.

Against: Nil.

**16.7. Staff Matter**

Members of Staff except for the Deputy General Manager, Corporate Lawyer and Minute Taker left the meeting room at this stage.

28 RESOLVED on the motion of Cr S. Reynolds and Cr D. Marshall that:

1. Council notes the confidential correspondence from Ms Fiona Plesman (General Manager) to Cr Steve Reynolds (Mayor) dated 22 July 2022 and accepts her resignation as General Manager of Muswellbrook Shire Council with effect on from 19 August 2022.
2. Council expresses its sincere thanks to Ms Plesman for her service and contribution to the Council, which has included leading the organisation and supporting our workforce throughout a period of unprecedented challenges which have included a once in 100-year pandemic.
3. Council appoints Derek Finnigan to be the Council's Acting General Manager until the commencement of a new General Manager or until further decision of the Council, whichever occurs first.
4. Council invites Local Government NSW and other suitable recruitment businesses to tender for the recruitment of a new General Manager for the Council.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan and Cr D. Marshall.

Against: Cr J. Drayton and Cr R. Scholes.



## 17. Resumption of Open Council

29 RESOLVED on the motion of Cr D. Marshall and Cr G. McNeill that:

The meeting return to Open Council.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes.

Against: Nil.

## 18. Closure

The meeting was declared closed at 7.31pm

**THE MINUTES OF THE MEETING (PAGES x to x) WERE CONFIRMED AT THE ORDINARY COUNCIL MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ON 23 AUGUST, 2022 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON TUESDAY 26 JULY, 2022.**

.....  
Mr D. Finnigan  
**Acting General Manager**

.....  
Cr S. Reynolds  
**Chairperson**